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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,026	01/31/2001	Robert D. Thompson	10008006-1	5499

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

AUVE, GLENN ALLEN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,026

Applicant(s)

THOMPSON ET AL.

Examiner

Glenn A. Auve

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 17, 20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 14, 16, 17, 20 and 22 is/are allowed.
- 6) ☒ Claim(s) 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Applicant should note that the examiner in charge of this application has changed.

Current contact information is included at the conclusion of this Office Action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 March 2005 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8-10, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsai et al. [as applied previously].

As per claim 8, Tsai shows a method of providing identification information on a USB capable device, comprising: reading an index (the VIDS pin is read which is used as the index for the lookup); looking-up a product identification in electronically readable fixed medium based upon said index (PID); and reading a vendor identification from electronically readable fixed

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medium, said vendor identification being stored separate from said product identification (VID, where while the VID and PID are both stored in the memory 122, they are stored separate from each other in that there are separate values for both the PID and the VID at least as illustrated in the example shown in col. 4). Tsai shows all of the limitations recited in claim 8.

As for claim 9, the argument for claim 8 applies. Tsai also shows that reading an index comprises reading the state of pins on an integrated circuit (cols. 3-4, where the input pins' values are read to determine the index value). Tsai shows all of the limitations recited in claim 9.

As for claim 10, the argument for claim 9 applies. Tsai also shows that said state of said pins are set by connections on a printed circuit board (cols. 3-4, where the input pins' values are read to determine the index value). Tsai shows all of the limitations recited in claim 10.

As for claim 12, the argument for claim 8 applies. Tsai also shows that said index set by connections internal to an integrated circuit also containing said electronically readable fixed medium (cols. 3-4, where the input pins' values are read to determine the index value). Tsai shows all of the limitations recited in claim 12.

As for claim 13, the argument for claim 8 applies. Tsai also shows said vendor identification comprises a vendor identification number and a vendor identification string (see at least the example in col.4). Tsai shows all of the limitations recited in claim 13.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai in view of Baldwin et al., U.S. Patent No. 5,042,265 [previously applied].

As for claim 11, the argument for claim 9 applies. Tsai does not specifically show that the state of the pins are set by jumper connections. However, Baldwin discloses the use of jumpers as an index into a table (note column 6, line 44 - column 9, line 31) to configure a system to operate in one of a plurality of modes/states. It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of jumpers to index a table in order to configure the operation of a system, as Baldwin teaches, in the system of Tsai so as to allow for the flexible selection of one of a plurality of operation modes.

Allowable Subject Matter

8. Claims 1-7, 14, 16, 17, 20, and 22 are allowed.

9. The following is an examiner's statement of reasons for allowance: the prior art does not appear to show the vendor identification information being stored separate from the lookup table as recited in combination with the other limitations in independent claims 1 and 14.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

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issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

10. Applicant's arguments, see page 7, filed 10 March 2005, with respect to the objection to the abstract have been fully considered and are persuasive. The objection of the abstract has been withdrawn.

11. Applicant's arguments filed 10 March 2005 regarding claim 8 have been fully considered but they are not persuasive. With respect to independent method claim 8, applicant argues that Tsai does not show the vendor identification being stored separate from the product information. However, as noted above in the rejection, the VID and PID are separate values stored as shown at least in the example of col.4. The apparatus claims recite the limitation differently in that they include a lookup table with the product ID information and the vendor ID information is stored separately from the lookup table. There are no such limitations present in claim 8, and therefore the Tsai reference still applies.

12. Applicant has not separately argued the dependent claims and only mentions their relationship to the independent claims. The examiner notes that the grounds of rejection have been shifted somewhat in that claims 9,10,12, and 13 are also included in the § 102 rejection.

Conclusion


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The new reference to Rademacher shows USB enumeration which reads the vendor and product IDs from the devices.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn A. Auve whose telephone number is (571) 272-3623. The examiner can normally be reached on M-F 8:00 AM-5:30 PM, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (571) 272-3632. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn A. Auve
Primary Examiner
Art Unit 2111

gaa
1 June 2005